

because in this article Baltimore City is included in the defined term "county".

Defined terms: "County" § 1-101

"Department" § 5-101

"Person" § 1-101

5-807. BURDEN OF PROOF.

(A) BURDEN ON CLAIMANT.

(1) THE STATE NEED NOT NEGATE AN EXEMPTION, PROVISIO, OR EXCEPTION SET FORTH IN THIS TITLE IN A:

(I) COMPLAINT, INFORMATION, INDICTMENT, OR OTHER PLEADING; OR

(II) TRIAL, HEARING, OR OTHER PROCEEDING UNDER THIS TITLE.

(2) THE BURDEN OF PROOF TO ESTABLISH AN EXEMPTION, PROVISIO, OR EXCEPTION IS ON THE PERSON CLAIMING ITS BENEFIT.

(B) PRESUMPTION CONCERNING REGISTRATION OR FORM.

(1) IN THE ABSENCE OF PROOF THAT A PERSON IS A REGISTRANT OR HOLDER OF AN ORDER FORM ISSUED UNDER § 5-303(D) OF THIS TITLE, THE PERSON IS PRESUMED NOT TO BE A REGISTRANT OR HOLDER OF A FORM.

(2) THE PERSON HAS THE BURDEN OF PROOF TO REBUT THE PRESUMPTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 298(a).

Defined terms: "Person" § 1-101

"Registrant" § 5-101

5-808. IMMUNITY FROM CRIMINAL LIABILITY FOR PUBLIC OFFICIALS AND EMPLOYEES.

(A) IN GENERAL.

IF THE INDIVIDUAL IS ENGAGED IN THE ENFORCEMENT OR PROSECUTION OF THIS TITLE OR OTHER LAW RELATING TO CONTROLLED DANGEROUS SUBSTANCES, CRIMINAL LIABILITY MAY NOT BE IMPOSED UNDER THIS TITLE ON:

(1) AN AUTHORIZED OFFICER OF THE UNITED STATES, THIS STATE, OR A POLITICAL SUBDIVISION OF THIS STATE; OR

(2) AN AUTHORIZED POLICE DEPARTMENT CIVILIAN EMPLOYEE OF THE UNITED STATES, THIS STATE, OR A POLITICAL SUBDIVISION OF THIS STATE.

(B) POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES OR CONTROLLED PARAPHERNALIA.